IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1192 OF 2005

Shamsunder J. Chabria ...Petitioner

Versus

P.M. Bharambe (Junior Legal Assistant) M.C.G.M. & Ors ...Respondents

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Mr. S.B. Dhotre, Advocate for Petitioner

Ms.Trupti Puranik, Adv. for Respondent Nos. 1 to 3

Ms. S.V.Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 21ST OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the petitioner, learned advocate for respondent i.e. original complainant-BMC and the learned A.P.P. for the State.

2. The petitioner has prayed for quashing of process issued against him in Criminal Case No.626/ME/2004 which is pending in the Court of learned Metropolitan Magistrate, 42nd Court, Shinde Wadi, Dadar, Mumbai. In the said case, process has been issued against the petitioner under Section 471 of Mumbai Municipal Corporation Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K. Jain & Ors. Vs. Pratap**

Vs. Padode and Anr, reported in 2005(3) Mh.L.J. 778, in my opinion, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be preferred within a period of five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks from today. The learned advocate for the respondent i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petition is disposed of.

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